

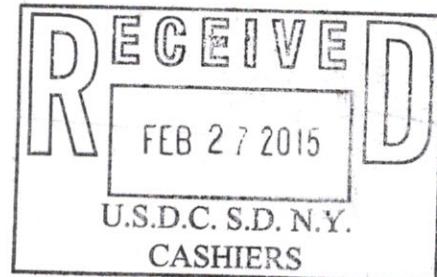
15 CV 01500

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MATTHEW MOLONEY,  
Plaintiff,  
-against-

DOCKET NO.

LTD FINANCIAL SERVICES, LP; CITIBANK,  
N.A.; and "XYZ CORP. #1-10," said names  
being fictitious, it being the  
intention of Plaintiff to designate  
additional entities having liability  
for the complained incident upon  
discovery of their identity,

Defendants.

-----X

**NOTICE OF REMOVAL OF ACTION**TO: THE CLERK OF THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

**PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. Section 1441, et seq. defendants, LTD FINANCIAL SERVICES, LP AND CITIBANK, N.A., hereby remove this civil action from the Civil Court of the City of New York, County of New York, to the United States District Court for the Southern District of New York.

**I. PROCEEDINGS TO DATE**

On or about January 22, 2015, plaintiff, Matthew Moloney, filed a summons and complaint dated January 17, 2015 in the civil action captioned Matthew Moloney, plaintiff, against LTD FINANCIAL SERVICES, LP; CITIBANK N.A.; and "XYZ CORP. #1-10," said names being fictitious, it being the intention of Plaintiff

to designate additional entities having liability for the complained of incident upon discovery of their identity; Index No. 1596/15, in the Civil Court of the City of New York, County of New York. Defendants have been served with the complaint. The complaint alleges a violation of the Fair Debt Collection Practices Act, as well as violations of State law, and plaintiff seeks statutory and actual damages as well as attorney fees and other relief.

Copies of all pleadings and other papers plaintiff previously filed with the Civil Court are annexed hereto as Exhibit "A", as required by 28 U.S.C. Section 1446.

## II. GROUNDS FOR REMOVAL

The Court has original jurisdiction over this action because this action arises under a Law of the United States. See 28 U.S.C. Section 1331. This action arises under the Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 et seq. (See Exhibit "A") Accordingly, according to 28 U.S.C. Section 1331, this Court has original jurisdiction over this case.

## III. VENUE

Plaintiff's action is pending in Civil Court of the City of New York, County of New York, which is within this judicial district and division. 28 U.S.C. Section 112(c). The United

States District Court for the Southern District of New York is the District Court and Division within which the defendants may remove this action, pursuant to 28 U.S.C. Section 1441(a) and within which defendants must file this Notice of Removal, pursuant to 28 U.S.C. Section 1446(a).

**IV. TIMELINESS**

This Notice of Removal is timely filed. Defendants were both served with a copy of the summons and complaint on February 2, 2015. Plaintiff has filed Affidavits of Service with the Civil Court. This notice of Removal complies with 28 U.S.C. Section 1446(b).

**V. NOTICE**

Pursuant to 28 U.S.C. Section 1446(b), defendants, LTD FINANCIAL SERVICES, LP and CITIBANK, N.A., are simultaneously filing a copy of this Notice of Removal with the Civil Court of the City of New York, County of New York. Plaintiff's counsel is also being served with a copy of this Notice of Removal.

**VI. CONCLUSION**

For the foregoing reasons, LTD FINANCIAL SERVICES, LP and CITIBANK, N.A., respectfully requests that this action, previously pending in the Civil Court of the City of New York, County of New York, be removed to this Court, and that this Court proceed as if this case had been originally initiated in this Court.

Dated: New City, NY  
February 19, 2015

Respectfully submitted,



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ARTHUR SANDERS, ESQ. (AS-1210)  
BARRON & NEWBURGER, P.C.  
Attorneys for defendant  
30 South Main Street  
New City, NY 10956  
845-499-2990

**EXHIBIT A**

**COPY**

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

MATTHEW MOLONEY

Plaintiff,

-against-

LTD FINANCIAL SERVICES, LP;  
CITIBANK, N.A.; and  
"XYZ CORP. # 1 - 10", said names being fictitious,  
it being the intention of Plaintiff to designate additional  
entities having liability for the complained of incident  
upon discovery of their identity.

Defendants.

Index No.: 0001596 2015

Date Purchased: 1-22-2015

Plaintiff's Address:

29-07 Zachary Terrace  
Fair Lawn, NJ 07410

Basis of Venue:

Location of Occurrence

**FILED**  
JAN 22 2015  
NEW YORK COUNTY  
CIVIL COURT

**SUMMONS**

To the above named Defendant(s):

**YOU ARE HEREBY SUMMONED** to appear in the Civil Court of the City of New York, County of New York, at the office of the said court at Civil Court of the City of New York, County of New York, located at 111 Centre St, New York, NY 10013, in the County of New York, City and State of New York, within the time provided by law as noted below and to file your answer to the annexed complaint with the Clerk; upon your failure to answer, judgment will be taken against you for the principal sum demanded therein, plus interest thereon, and attorneys' fees, together with the costs and disbursements of this action.

NOTE: The law provides that: (a) If this summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) If this summons is served by delivery to any person other than you personally, or is served outside the City of New York, or by publication, or by any means other than personal delivery to you within the City of New York, you are allowed THIRTY days after proof of service thereof is filed with the Clerk of this Court within which to appear and answer.

Dated: New York, N.Y.  
January 17, 2015

THE HURWITZ LAW FIRM, P.C.

BY:

*Michael Hurwitz*  
MICHAEL L. HURWITZ  
55 WEST 45<sup>TH</sup> STREET; 7<sup>TH</sup> FL  
NEW YORK, N.Y. 10036  
TEL: (212) 390-8401  
FAX: (212) 390-1630  
EMAIL: info@TheHurwitzLawFirm.com  
(not for service)  
ATTORNEYS FOR PLAINTIFF  
MATTHEW MOLONEY

Defendants to be served:

LTD FINANCIAL SERVICES, LP  
C/O CORPORATION SERVICE COMPANY  
80 STATE STREET  
ALBANY, NEW YORK, 12207-2543

CITIBANK, N.A.  
701 EAST 60<sup>TH</sup> STREET  
NORTH  
SIOUX FALLS, SD 57104

XYZ CORP. # 1 – 10  
Names fictitious, addresses unknown

CIVIL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

-----X

MATTHEW MOLONEY

INDEX NO.: \_\_\_\_\_

Plaintiff,

-against-

**VERIFIED COMPLAINT**

LTD FINANCIAL SERVICES, LP;  
CITIBANK, N.A.; and  
“XYZ CORP. # 1 – 10”, said names being fictitious,  
it being the intention of Plaintiff to designate additional  
entities having liability for the complained of incident upon  
discovery of their identity.

Defendant.

-----X

Plaintiff MATTHEW MOLONEY, by and through The Hurwitz Law Firm, P.C., respectfully alleges upon information and belief the following as and for his Verified Complaint against the Defendants LTD FINANCIAL SERVICES, LP; CITIBANK, N.A.; and “XYZ CORP. # 1 – 10”:

**Parties**

1. Plaintiff MATTHEW MOLONEY (“Plaintiff”) is an individual residing in the County of Bergen, State of New Jersey, from whom the defendants sought to collect one or more consumer debts.

2. Defendant LTD FINANCIAL SERVICES, LP is a foreign limited partnership established and existing pursuant to the laws of the State of Texas and authorized to do business in the State of New York.

3. Defendant CITIBANK, N.A. is a national bank established and existing pursuant to the laws of the United States.

4. Defendants "XYZ CORP. # 1 - 10", said names being fictitious, are entities believed to be liable to Plaintiff for the transactions and occurrences alleged herein, it being the intention of Plaintiff to designate them as additional named defendants upon discovery of their identity.

Facts

5. Plaintiff was the purported holder of three Citibank, N.A. credit accounts with account numbers ending 0611 (the "Accounts").

6. Citibank, N.A. purportedly hired LTD Financial Services, LP to collect the balance claimed on the Accounts from Plaintiff.

7. The LTD Financial Services, LP reference numbers and balances demanded on the Accounts are as follows:

LTD Reference No and Balance: SL3 020320987, \$10,818.56

LTD Reference No and Balance: SL3 020880214, \$7,633.36

LTD Reference No and Balance: SL3 020880215, \$9,366.77

8. On October 28, 2014 LTD Financial Services, LP sent a letter to the Plaintiff seeking to collection the balance due on the Account reflecting LTD Reference No: SL3 020320987 and Balance: \$10,818.56. A copy of LTD Financial Services, LP letter is attached as Exhibit A.

9. On December 24, 2014 LTD Financial Services, LP sent a letter to the Plaintiff seeking to collection the balance due on the Account reflecting LTD Reference No: SL3 020880214 and Balance: \$7,633.36. A copy of LTD Financial Services, LP letter is attached as Exhibit B.

10. On December 24, 2014 LTD Financial Services, LP sent a letter to the Plaintiff seeking to collection the balance due on the Account reflecting LTD Reference No: SL3 020880215 and Balance: \$9,366.77. A copy of LTD Financial Services, LP letter is attached as Exhibit C.

11. The total amount LTD Financial Services, LP demanded on behalf of Citibank, N.A. is \$27,818.69.

12. On January 2, 2015 Plaintiff's counsel sent a letter to LTD Financial Services, LP inquiring as to why the same Citibank Account has 3 different LTD reference numbers and 3 different balances. Copy of Plaintiff's counsel's January 2, 2015 letter is attached as Exhibit D.

13. On January 14, 2015 LTD Financial Services, LP telephoned the office of Plaintiff's counsel seeking to collect the balances claimed on the Accounts.

14. At that time, an employee of Plaintiff's counsel informed LTD Financial Services, LP that settlement could not be discussed until Plaintiff's counsel was provided validation of the debt and a response to its January 2, 2015 letter.

15. Thereafter, on January 14, 2014 LTD Financial Services, LP emailed Plaintiff's counsel a copy of their December 24, 2014 letter reflecting LTD Reference Number SL3 020880214 and Balance: \$7,633.36. A copy of LTD Financial Services, LP's email and correspondence attached to that email, is attached hereto as Exhibit E.

16. LTD Financial Services, LP has failed and affirmatively refused to provide the explanation as requested by Plaintiff's counsel as to why the same Citibank Account has 3 different LTD reference numbers and balances.